

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DISPLAY AND USE OF THE UNITED STATES FLAG; AND PROVIDING FOR THE DISPLAY OF THE MONTANA FLAG ON PUBLIC BUILDINGS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Display and use of United States flag by civilians -- rules and customs.

As provided in 4 U.S.C. 5, the rules and customs pertaining to the display and use of the flag of the United States of America are established for the use of civilians or civilian groups or organizations that may not be required to conform with regulations promulgated by one or more executive departments of the government of the United States.

NEW SECTION. Section 2. Time and occasions for display of United States flag. As provided in

4 U.S.C. 6, the United States flag should be displayed as follows:

(1) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

(2) The flag should be hoisted briskly and lowered ceremoniously.

(3) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

(4) The flag should be displayed on all days, but especially on:

(a) New Year's Day, January 1;

(b) Inauguration Day, January 20;

(c) Martin Luther King Jr.'s birthday, third Monday in January;

(d) Lincoln's Birthday, February 12;

(e) Washington's Birthday, third Monday in February;

(f) Easter Sunday;

(g) Mother's Day, second Sunday in May;

- (h) Armed Forces Day, third Saturday in May;
- (i) Memorial Day (half-staff until noon), last Monday in May;
- (j) Flag Day, June 14;
- (k) Father's Day, third Sunday in June;
- (l) Independence Day, July 4;
- (m) Labor Day, first Monday in September;
- (n) Constitution Day, September 17;
- (o) Columbus Day, second Monday in October;
- (p) Navy Day, October 27;
- (q) Veterans' Day, November 11;
- (r) Thanksgiving Day, fourth Thursday in November;
- (s) Christmas Day, December 25;
- (t) other days as may be proclaimed by the president of the United States;
- (u) the birthdays of states (date of admission); and
- (v) state holidays.

(5) The flag should be displayed daily on or near the main administration building of every public institution.

(6) The flag should be displayed in or near every polling place on election days.

(7) The flag should be displayed during school days in or near every schoolhouse.

NEW SECTION. Section 3. Position and manner of display of United States flag -- definitions. As provided in 4 U.S.C. 7, the United States flag should be displayed as follows:

(1) The flag, when carried in a procession with another flag or flags, should be either on the marching right, that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(2) The flag should not be displayed on a float in a parade except from a staff or as provided in subsection (10).

(3) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or boat. When the flag is displayed on a motorcar, the staff must be fixed firmly to the chassis or clamped to the right fender.

(4) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of

1 the United States of America, except during church services conducted by naval chaplains at sea, when the
2 church pennant may be flown above the flag during church services for the personnel of the navy. A person may
3 not display the flag of the United Nations or any other national or international flag equal, above, or in a position
4 of superior prominence or honor to, or in place of, the flag of the United States at any place within the United
5 States or any territory or possession of the United States.

6 (5) The flag of the United States of America, when it is displayed with another flag against a wall from
7 crossed staffs, should be on the United States flag's own right, and its staff should be in front of the staff of the
8 other flag.

9 (6) The flag of the United States of America should be at the center and at the highest point of the group
10 when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.

11 (7) When flags of states, cities, or localities or pennants of societies are flown on the same halyard with
12 the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent
13 staffs, the flag of the United States should be hoisted first and lowered last. A flag or pennant may not be placed
14 above the flag of the United States or to the United States flag's right.

15 (8) When flags of two or more nations are displayed, they are to be flown from separate staffs of the
16 same height. The flags should be of approximately equal size. International usage forbids the display of the flag
17 of one nation above that of another nation in time of peace.

18 (9) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from
19 the window sill, balcony, or front of a building, the union or blue field of the flag should be placed at the peak of
20 the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from
21 a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

22 (10) When displayed either horizontally or vertically against a wall, the union should be uppermost and
23 to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed
24 in the same way, with the union to the left of the observer in the street.

25 (11) When the flag is displayed over the middle of the street, it should be suspended vertically with the
26 union to the north in an east and west street or to the east in a north and south street.

27 (12) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind
28 the speaker. When displayed from a staff in a public auditorium or church, the flag of the United States of America
29 should hold the position of superior prominence, in advance of the audience, and in the position of honor at the
30 right of the speaker or member of the clergy as that person faces the audience. Any other flag displayed should

1 be placed on the left of the speaker or member of the clergy or to the right of the audience.

2 (13) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but
3 it should never be used as the covering for the statue or monument.

4 (14) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered
5 to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial
6 Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the
7 president, the flag must be flown at half-staff upon the death of principal figures of the United States government
8 and the governor of a state, territory, or possession, as a mark of respect to their memory. In the event of the
9 death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to presidential
10 instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the
11 event of the death of a present or former official of the government of any state, territory, or possession of the
12 United States, or the death of a member of the armed forces from any state, territory, or possession who dies
13 while serving on active duty, the governor of that state, territory, or possession may proclaim that the national flag
14 must be flown at half-staff. When the governor issues a proclamation that the national flag be flown at half-staff
15 because of the death of a member of the armed forces, the national flag flown at any federal installation or facility
16 in the area covered by that proclamation must be flown at half-staff consistent with that proclamation. The flag
17 must be flown at half-staff for 30 days from the death of the president or a former president; for 10 days from the
18 day of death of the vice president, the chief justice or a retired chief justice of the United States, or the speaker
19 of the house of representatives; from the day of death until interment of an associate justice of the supreme court,
20 a secretary of an executive or military department, a former vice president, or the governor of a state, territory,
21 or possession; and on the day of death and the following day for a member of congress. The flag must be flown
22 at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day.

23 (15) When the flag is used to cover a casket, it should be so placed that the union is at the head and over
24 the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

25 (16) When the flag is suspended across a corridor or lobby in a building with only one main entrance,
26 it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has
27 more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with
28 the union to the north when entrances are to the east and west or to the east when entrances are to the north
29 and south. If there are entrances in more than two directions, the union should be to the east.

30 (17) As used in this section, the following definitions apply:

(a) "Executive or military department" means any agency listed under 5 U.S.C. 101 and 102.

(b) "Half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.

(c) "Member of congress" means a senator, a representative, a delegate, or the resident commissioner from Puerto Rico.

NEW SECTION. Section 4. Respect for United States flag. As provided in 4 U.S.C. 8, the United States flag should be displayed as follows:

(1) No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags are to be dipped as a mark of honor.

(2) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(3) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(4) The flag should never be carried flat or horizontally, but always aloft and free.

(5) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back nor up in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(6) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(7) The flag should never be used as a covering for a ceiling.

(8) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(9) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(10) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(11) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may

1 be affixed to the uniform of military personnel, firefighters, police officers, and members of patriotic organizations.
2 The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a
3 replica, should be worn on the left lapel near the heart.

4 (12) The flag, when it is in a condition that it is no longer a fitting emblem for display, should be destroyed
5 in a dignified way, preferably by burning.

6
7 **NEW SECTION. Section 5. Conduct during hoisting, lowering, or passing of United States flag.**

8 As provided in 4 U.S.C. 9, during the ceremony of hoisting or lowering the flag or when the flag is passing in a
9 parade or in review, all persons present in uniform should render the military salute. Members of the armed forces
10 and veterans who are present but not in uniform may render the military salute. All other persons present should
11 face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress
12 with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries
13 present should stand at attention. All such conduct toward the flag in a moving column should be rendered at the
14 moment the flag passes.

15
16 **NEW SECTION. Section 6. Modification of rules and customs by president.** As provided in 4 U.S.C.
17 10, any rule or custom pertaining to the display of the flag of the United States of America may be altered,
18 modified, or repealed or additional rules with respect to the display of the flag may be prescribed by the
19 commander in chief of the armed forces of the United States, whenever the commander in chief considers it to
20 be appropriate or desirable. Any alteration or additional rule must be set forth in a proclamation.

21
22 **NEW SECTION. Section 7. Display of Montana flag on public buildings -- definition.** (1) The person
23 having custody of each public building shall procure a Montana flag and shall cause the Montana flag to be
24 displayed with the United States flag upon, near, or in the public building during the hours when the United States
25 flag is customarily displayed and at other times as appropriate.

26 (2) The necessary funds to defray the expenses incurred for the flags, poles, and appliances necessary
27 to display the flag must be paid out of the funds available for the care and maintenance of the public building.

28 (3) As used in this section, "public building" means a building that is owned or leased by a state agency,
29 as defined in 1-2-116.

1 NEW SECTION. **Section 8. Codification instruction.** [Sections 1 through 7] are intended to be codified
2 as an integral part of Title 1, chapter 1, part 5, and the provisions of Title 1, chapter 1, part 5, apply to [sections
3 1 through 7].

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